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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COUNTER WRAPS INTERNATIONAL
INC d/b/a DC MEDIA AND
MARKETING, a Nevada corporation,

Plaintiff,

vs.

DIAGEO NORTH AMERICA INC., a
Connecticut corporation; DIAGEO
AMERICAS INC., a Delaware corporation;
and DOES I through X;

Defendants.

Case No. 2:16-cv-02924-JCM-CWH

**STIPULATION AND PROPOSED
MODIFIED SCHEDULING ORDER**

(SECOND REQUEST)

Pursuant to this Court's November 27, 2017 Order (ECF 30), and Local Rules 7-1 and 26-4, Plaintiff Counter Wraps International Inc. d/b/a DC Media and Marketing ("Plaintiff") and Defendants Diageo North America, Inc. and Diageo Americas Inc. (collectively "Defendants" and, together with Plaintiff, the "Parties") hereby respectfully submit this Stipulation and Proposed Modified Scheduling Order (Second Request):

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1. The operative Amended Scheduling Order entered by this Court on May 30, 2017 (ECF 21) contains the following deadlines:

- a. Last date to complete discovery: November 9, 2017.
- b. Last date to amend pleadings and add parties: Closed.
- c. Last date to file interim status report: Closed.
- d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): September 12, 2017.
- e. Last date to disclose rebuttal experts: October 12, 2017.
- f. Last date to file dispositive motions: January 11, 2018.
- g. Last date to file joint pretrial order: February 11, 2018. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision on the dispositive motions or until further order of the court.

2. The parties have met and conferred, and stipulate, to the following proposed deadlines, subject to the approval of this Court, as follows:

- a. Last date to complete discovery: April 13, 2018.
- b. Last date to amend pleadings and add parties: Closed.
- c. Last date to file interim status report: Closed.
- d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): Closed.
- e. Last date to disclose rebuttal experts: Closed.
- f. Last date to file dispositive motions: June 8, 2018.
- g. Last date to file joint pretrial order: July 9, 2018.

3. The Parties respectfully submit that the conditions necessary for the modification of this Court's current Scheduling Order (ECF 21) exist here. Per this Court's operative Scheduling Order, discovery closed on November 9, 2017. (ECF 21.) On November 27, 2017, this Court granted Plaintiff's Motion to Modify Scheduling Order and for Leave to

File Proposed First Amended Complaint (the "FAC"). (ECF 22 & 24.) In that Order (ECF 30), this Court required the parties to "meet and confer and file a proposed modification of the discovery plan and scheduling order by December 13, 2017," the date of this submission.

4. Defendants contend that further depositions, and certain written discovery, are necessary because of issues raised by the FAC, which brings new claims sounding in fraud.

5. Plaintiff contends that further discovery is unnecessary, given that the FAC still arises out of the negotiation, execution, and performance of the Nuvo Agreement, which contract was the subject of its initial complaint.

6. The Parties have met and conferred, and agree to the modified discovery and pre-trial schedule outlined above. The Parties do not believe any other modification of the discovery plan or scheduling order is needed at this time.

7. If this Stipulation is granted, the Parties agree to promptly propound, and timely respond to, any discovery served by either Party.

8. One previous stipulation to extend discovery deadlines was submitted to this Court, on May 15, 2017 (ECF 20), and was granted by this Court (ECF 21).

9. Wherefore, the Parties stipulate and request that the Court issue an Order to extend the discovery cutoff until April 13, 2018, as provided in Section 2 above.

Dated this 13th day of December, 2017

Dated this 13th day of December, 2017

HOWARD & HOWARD ATTORNEYS PLLC

SKIERMONT DERBY LLP

By: /s/ Robert Hernquist
Robert Hernquist, Nevada Bar No. 10616
Jennifer Lloyd, Nevada Bar No. 9617

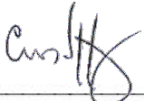
By: /s/ John J. O'Kane IV
Paul B. Derby [*pro hac vice*]
John J. O'Kane IV [*pro hac vice*]
and
RANDOLPH LAW FIRM
Taylor Randolph, Nevada Bar No. 10194

Attorneys for Defendants Diageo North America Inc. & Diageo Americas Inc.

Attorneys for Plaintiff Counter Wraps International Inc. d/b/a DC Media and Marketing

IT IS SO ORDERED.

DATED: December 14, 2017


C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

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